

Message Text

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ACTION DHA-02

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C O N F I D E N T I A L SOFIA 0481

E.O. 11652: GDS
TAGS: PFOR, SHUM, PROP, NATO, CSCE, UK, BU, UR
SUBJECT: DO EXPRESSIONS OF CONCERN ABOUT HUMAN RIGHTS CONSTITUTE
"INTERFERENCE IN THE INTERNAL AFFAIRS" OF THE STATE AT WHICH THEY
ARE DIRECTED?

REF: A) WARSAW 1521; B) SOFIA 0100; C) SOFIA 0441; D) USNATO 1106

1. AMBASSADOR DAVIES HAS CITED INTERESTING LEGAL ARGUMENTS
IN REF A TO SHOW WHY CONCERN FOR HUMAN RIGHTS IN COMMUNIST
COUNTRIES CANNOT BE TERMED INTERFERENCE IN THEIR INTERNAL AF-
FAIRS. OBVIOUSLY THOSE ARGUMENTS WERE INTENDED FOR USE WITH
PEOPLE IN THE WEST WHO MAY BE UNCERTAIN ON THAT POINT.
THIS MESSAGE DEALS WITH ARGUMENTS THAT MIGHT BE USED WITH
EASTERN EUROPEAN COMMUNISTS IN REBUTTING THEIR STATEMENTS ABOUT
INTERFERENCE IN INTERNAL AFFAIRS.

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2. IT WOULD OF COURSE NOT DO TO CITE OPPENHEIM'S TREATISE ON
INTERNATIONAL LAW IN AN ARGUMENT WITH COMMUNISTS; IT
WOULD BE ABOUT AS RELEVANT TO THEM AS CITING PASSAGES FROM
THE BIBLE. WE HAVE HAD THE EXPERIENCE HERE RECENTLY (REF B)
OF THE BULGARIAN FOREIGN MINISTER READING TO ME FROM A
"LEGAL BRIEF" WHICH PURPORTED TO PROVE THAT A TREATY BE-
TWEEN THE UNITED STATES AND BULGARIA WAS INOPERATIVE ON

SOME POINT WHERE THE BULGARIANS DIDN'T WANT TO SEE IT APPLIED. HE WAS CAREFUL, OF COURSE, NOT TO HAND ME THAT "LEGAL BRIEF" AND ALTHOUGH I REJECTED ITS ARGUMENTS, WHICH WERE COMPLETE MOONSHINE, IT WAS APPARENT THAT CONTINUING THE DISCUSSION ON LEGAL GROUNDS WOULD NOT LEAD TO THE DESIRED RESULT, WHICH WAS REUNIFICATION OF A DIVIDED FAMILY.

3. ON THE OTHER HAND, CITING A LOGICAL ARGUMENT WITH RESPECT TO THE FINAL ACT OF HELSINKI, BRITISH AMBASSADOR CLOAKE HERE (REF C) RECENTLY TRIED TO HOIST THE COMMUNISTS ON THEIR OWN PETARD BY REFERRING TO THEIR REPEATED PROTESTATIONS THAT NO ONE PORTION OF THE ACT MUST BE GIVEN PREFERENCE OVER ANOTHER. HE THEN POINTED TO THE SECOND PARAGRAPH OF PRINCIPLE 10 WHICH SAYS THAT "IN EXERCISING THEIR SOVEREIGN RIGHTS, INCLUDING THE RIGHT TO DETERMINE THEIR LAWS AND REGULATIONS," SIGNATORIES WILL ".... PAY DUE REGARD TO AND IMPLEMENT THE PROVISIONS OF THE FINAL ACT" AND NOTED CRISPPLY THAT THERE ARE NO GROUNDS FOR REGARDING IT AS LESS IMPORTANT THAN PRINCIPLE 6 ABOUT NON-INTERFERENCE IN INTERNAL AFFAIRS WHEN IT COMES TO IMPLEMENTATION OF PRINCIPLE 7 ON RESPECT FOR HUMAN RIGHTS. DEPUTY FOREIGN MINISTER TSVETKOV, WHO SEEMED TO HAVE ANSWER TO EVERYTHING ELSE, SEEMED STUMPED BY THIS LINE OF ARGUMENTATION.

4. IF WE WANTED TO GET ROUGHER, WHICH I AM NOT RECOMMENDING AT THIS STAGE, WE COULD REFER TO THE WORLDWIDE REACTION TO THE TRIAL OF THE BULGARIAN COMMUNIST GEORGI DIMITROV WHEN HE WAS PROSECUTED IN CONNECTION WITH THE REICHSTAG FIRE. WOULD THE USSR OR BULGARIA REGARD THE WIDESPREAD EXPRESSION

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OF FOREIGN CONCERN AT THAT TIME OVER THAT POLITICAL TRIAL AS INTERFERENCE IN THE INTERNAL AFFAIRS OF ANOTHER COUNTRY? IF THE COMMUNISTS THEN CLAIMED THAT VLADIMIR BUKOVSKY WAS NOT A POLITICAL PERSECUTEE BUT A "COMMON CRIMINAL", THE QUESTION COULD BE RAISED HOW OFTEN IN THE USSR OR BULGARIA PEOPLE WITH UNPOPULAR POLITICAL OPINIONS HAVE BEEN ACQUITTED WHEN THEY CAME TO TRIAL, AND WHAT CONFIDENCE ONE COULD HAVE IN THE INDEPENDENCE OF A JUDICIAL SYSTEM WHICH INVARIABLY PRODUCES CONVICTIONS OF SUCH PERSONS.

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